

United States District court
For The state of Massachusetts

U.S. District court C.A. 04-12199-MLW

Richard Dawson. Plaintiff

vs.

Robert Keaton, et.al 30 other A.D.A's (Respondants)

Plaintiffs motion in opposition of Respondants
motion to Dismiss the plaintiffs complaint

1.

Introduction

As to Respondant Robert Cosgroves motion
To Dismiss plaintiffs verified civil complaint.

Mr Cosgrove argues The 11 Amendment
U.S.C.A. bars the claims against ~~him~~ (2) He
is not a "person" within the meaning of
42 U.S.C.A. § 1983 and thus cannot be sued
under that statute (3) Cosgrove argues that he
is an assistant district attorney and is entitled
to both absolute and qualified immunity, and
consequently Cosgrove should be dismissed from
this litigation with prejudice.

2.

Argument of Laws

A state Law that immunises government conduct otherwise subject to suit under 42 U.S.C.A. § 1983 is preempted Felder v. Casey, 487 U.S. 131 \ 108 S.Ct. 2302 ().

3. section 42 U.S.C.A § 1983 is not itself a source of substantive rights "but merely provides a method for vindicating federal rights elsewhere conferred Baker v. McCollan 443 U.S. 137 - 144 [N-3] \ 99 S.Ct. 2689 - 2694 [N-3] (1979).

4. The First step in any such claim under sec. 1983 is to Identify the specific Constitutional right, privilege or Immunity Allegedly infringed upon Graham v. Connor, 490 U.S. 386 394 \ 109 S.Ct 1865 - 1870 (1989) and Baker v. McCollan (supra) at 443 U.S. at 140 & 99 S.Ct 2692.

5. The Fourteenth amendment U.S.C.A Confers both substantive and procedural Rights under The due-process of Law clause along with the 5th amendment U.S.C.A. U.S. v. Salerno 481 U.S. 739 \ 107 S.Ct. 2095 (1987); & Daniels v. Williams; 474 U.S. 327 - 331 \ 106 S.Ct. 662 (1986) Collins v. Harker Heights 503 U.S. 115

112 S.Ct 1061 (1992); 114 S.Ct. 807 at 812 [N-4-5] (1994).

6. Where a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of governmental behavior, that amendment not the generalized notion of substantive due-process of law "must" be the guide for analyzing those claims, Graham v. Connor 490 U.S. 386-394 1109 S.Ct. 1865-1870 (1989) at 114 S.Ct. 813 note 6 (1994).

7. The Supreme Court for the United States has held that local government can be sued directly under 42 U.S.C.A. § 1983 for monetary declaratory or injunctive relief, where the action that alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation or decision officially adopted and promulgated by that body's officer's, Manuel v. Department of social services of N.Y. 429 U.S. 1071 97 S.Ct 807

8. Article 6, clause 2 preemption doctrine, Supremacy clause over Trump's All Amendments, stating this constitution, and the laws of the United States which shall be made in pursuance

Thereof; And All Treaties made, or which shall be made under the Authority of the United States, shall be the Supreme Law of the Land; And the Judges in every state shall be bound thereby; anything in the Constitution or Laws of any state to the contrary notwithstanding.

9. Amendment X The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people.
10. The 5th amendment in part, clause 4 due-process nor be deprived of Life Liberty or property without due-process of Law.
11. The 14th amendment U.S.C.A. section I; All persons born or naturalized in the United States, and subject to the jurisdiction therof, are "citizens" of the United States and of the state wherein they reside. In part; nor shall any state deprive any person of Life, Liberty or property without due-process of Law. In part; nor deny any person within its jurisdiction the equal protection of the Laws.

Argument

12. The plaintiff Alleges the conduct of respondents specifically respondent casgrave was knowingly in Bad Faith and which conduct violated plaintiff Constitutional right to be free from Arbitrary & capricious Law enforcement as guaranteed protection by the 5th & 14th amendment due-process of substantive due process of Law clause made applicable upon the states, see supra paragraph (4, & 5.)

13. Facts in support

14. In 10-25-1993 The Norfolk County grand Jury returned in pertinent part Indictments #1993-96977, charging B+E in the day time with intent to commit a misdemeanor and "1/2" Breaking & Entering in the "Night Time" with intent to commit Felony Indictment #19978 Both prosecuted by respondent P. Casey.

15. In 10-4-94 The plaintiff plead guilty to an 8 To 10 years Term split with 5 years to serve.

16. In 4-28-97 Plaintiff was released on the split half of the 8 To 10, 5 years to serve.

17. In 6-11-97 A default warrant was issued for The plaintiff for failure to report to probation.

18. On 9-25-97 Default was removed capias withdrawn and plaintiff was held in lieu of Bail.
19. On 6-2-98 Norfolk Superior court held a final Probation revocation Hearing and found plaintiff in violation of His probation Terms & condition on Indictment 96977 which was the only Indictment presented. and Invoked the remainder of the 8 to 10 year sentence with Jail credits included.
20. On 6-29-98 A notice of appeal was filed.
21. On 7-7-98 A motion to withdraw counsel & reappoint Appellate counsel was filed.
22. On 7-7-98 Justice Dorch Okara Appointed Appellate counsel Larry Colby.
23. On 7-31-98 The Transcript of the probation revocation Hearing was transcribed and delivered to Attorney Larry Colby.
23. Notice of Assembly of the record was filed. on 11-20-98
24. 6-3-1999 Massachusetts Appeals court Reversed The 6-2-98 Probation revocation Hearing finding That Indictment 96977 was Time served on Account it was a misdemeanor.
25. The Clerk filed An Amended mittimus to keep me Imprisoned on Indictment (96978).

26. ON 7-23-99 Attorney Larry Colby filed a motion to release plaintiff from Unlawfull restraint pursuant to MASS. R. Crim. P 30A.

27. A Hearing was conducted in Norfolk Superior court where A.D.A. Robert Cosgrove defended for the government and defended the government stating he doesn't come to the Hearing with clean hands, because he confessed; error to the appeals court, That Indictment 96977 was a misdemeanor Subsequently the court denied the motion and The clerks Held me on the Amended mittimus.

28. Robert Cosgrove simply Had to say your Honor Indictment 96978 was never presented before the court on 6-2-98 Probation Revocation Hearing and the court would have allowed the motion, but not for bad faith presentation to simbly confess error, I Had to serve 3 1/2 more years Imprisoned a loss of Liberty without due substantive due-process of Law; amounting to Arbitrary and Capricious Law enforcement, and a knowing in Bad faith of respondent Cosgroves failure To seek the Truth in prosecuting a case, an integral part of A prosecutors oath of office ie respondents failure to inform the court that the plaintiff was never surrendered for

Indictment 96978 and only 96977 The
misdemeanor Indictment which was reversed
by the appeals court #. 00-503

29. The prosecutor Robert Casgrave has the
oath and obligation to file for A new probation
revocation proceeding against the plaintiff
in Indictment 96978 Instead of Amending A
mittimus which deprived the plaintiff of
his Liberty without due-process of law
under Commonwealth V. Durling 407 MASS. 108
551 N.E.2d 1193 (1990) quoting Gagnon V. Scarpelli
411 U.S. 778 193 S.Ct. 1756 (1973)... The due
process required to revoke a probationers
probation in accordance with procedural due-process of law.

30. The prosecution was required by the above
case Law to begin new proceedings before
denying plaintiff Liberty without due-process

31. The Massachusetts Appeals court in 00-503
made mention as to what the Lower court was
Left to Do. They made a tactical choice to
Keep me Incarcerated by Amending a mittimus
without court order; All while knowing the same
to be erroneous and illegal.

32 Once the Rule 30A Release from unlawfull restraint Hearing commenced the assistant district Attorney respondent Robert Cosgrove decided to not inform the court about the illegal mittimus holding plaintiff against his liberty without due-process of law-see Argument of Laws, and continue the sham before the court

33. When an officer of the court acts under color of law who normally would have Immunity and goes hay wire and covers up a sham on the court he gives up the right to claim Immunity for his knowing or should have known acts in a civil proceeding (see Paragraph 6 and 7) This officer respondent cosgrove confessed error on appeal and after appeal said he doesn't come to the court with clean hands. Is a clear indication he had knowledge and power to change the course of the proceedings yet he chose not to Act, that failure to Act is Lack of Duty, in Bad faith negligence.

34 Immunity is preempted in such circumstances (see paragraph 2) *Felder V Casey*, 487 U.S. 131 108 S.ct. 2302.

35. Respondant claims he is not a "person" within the meaning of 42 U.S.C.A. § 1983 and thus cannot be sued under that statute.

36. Plaintiff claims "he" is a united states citizen, being sued for violation of Constitutional specified due-substantive and procedural due process rights belonging to the plaintiff under the United States Constitution. And Respondent is a officer of the state government acting under color of Law and is a United States citizen residing in the same state as the plaintiff and may be sued. See paragraph 2 Through 8 (supra). The 6 Article clause 2 & 3 Guarantees reinforcement of All Laws made under the United states therefore preempting the respondents claim both (1) As to him not being a person within 42 U.S.C.A. § 1983 and under any 11 amendment claims, because its preempted and due to the egregious conduct of Respondants. and because the 11 amendment does not preclude a citizen of the same state as Respondant to bring suit.

37 42 U.S.C.A is not itself a source of substantive rights "but merely provides a method for vindicating federal rights elsewhere conferred Baker V. McCollan, 443 U.S. 137-144 at IV-37 99 S.Ct. 2689-2694 [N-3].

38 The U.S. Marshall Returned service indicating
peter casey retired from the Norfolk D.A.
office. As well as Robert Keaton was not at
that address Along with william Keaton.

39.

Conclusion

40. The plaintiff Has clarified the controversy;
and moves the court to dismiss the respondents
motion to dismiss. The Facts above are True under penalties
of perjury
date 12/29/05

Respectfully Submitted

Richard Glanson
Richard Glanson
20 Administration rd
Bridgewater, MA. 02324

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RICHARD D. GLAWSON)
Plaintiff,)
v.) Civil Action No. 04-12199-MLW
ROBERT KEATON, et al)
Defendants)

)

**DEFENDANT ROBERT COSGROVE'S
MOTION TO DISMISS**

Defendant Robert Cosgrove respectfully requests that the Court dismiss him from this lawsuit. Cosgrove must be dismissed from this suit because (1) the Eleventh Amendment bars the claims against him; (2) he is not a "person" within the meaning of 42 U.S.C. § 1983, and thus cannot be sued under that statute; and (3) Cosgrove, an assistant district attorney, is entitled to both absolute and qualified immunity. Consequently, Cosgrove should be dismissed from this litigation with prejudice. In support of his motion, Cosgrove relies on the memorandum of law submitted herewith.

WHEREFORE, this motion should be allowed and an order should issue dismissing Cosgrove from this lawsuit with prejudice.

Respectfully submitted,
THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
BBO No. 561669

December 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached documents was served upon petitioner, Richard Glawson, pro se, 20 Administration Road, Bridgewater, MA 02324, by first class mail, postage pre-paid, on December 21, 2005.

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	<i>Richard Chasen</i>	COURT CASE NUMBER	1014-24-12199-MLW
DEFENDANT	<i>Robert C. Cuccia</i> Assistant Attorney General	TYPE OF PROCESS	CIVIL SERVICE
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
AT	45 Stewart Ave, Carter, NJ, 07003-380		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			
<input type="checkbox"/> <i>Richard Chasen</i> 300 Madison Avenue New York, NY 10016		Number of process to be served with this Form - 285	1
<input type="checkbox"/> <i>Robert C. Cuccia</i> Assistant Attorney General 45 Stewart Ave, Carter, NJ, 07003-380		Number of parties to be served in this case	4
		Check for service on U.S.A.	✓

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Assistant Attorney General

Fold

Signature of Attorney or other Originator requesting service on behalf of:

 PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 38	District to Serve No. 38	Signature of Authorized USMS Deputy or Clerk <i>Doney DeLancey</i>	Date 10/13/05
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

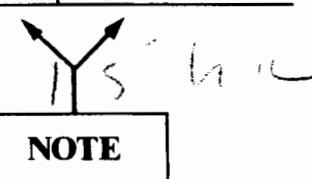
 A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service 10/13/05	Time 2:00 pm	am
Signature of U.S. Marshal or Deputy <i>DeLancey</i>		

Service Fee 67.50	Total Mileage Charges (including endeavors) 12.47	Forwarding Fee —	Total Charges 79.91	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:



U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	Richard Chapman		COURT CASE NUMBER	107-24-177-1000
DEFENDANT	F. C. Gray and K. County, Inc., et al.		TYPE OF PROCESS	Civil service
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN			
→	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)			
AT	45 Belmont Ave, Boston, Mass. 02124-380			
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			Number of process to be served with this Form - 285	1
<p>Richard Chapman 45 Belmont Ave Boston, Mass. 02124-380</p>			Number of parties to be served in this case	4
			Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

The addressee is not at the work address.
Resident attorney general

Signature of Attorney or other Originator requesting service on behalf of:

 PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER

DATE

10/11/85

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)Total Process
1District of Origin
No. 38District to Serve
No. 38

Signature of Authorized USMS Deputy or Clerk

Date

10/11/85

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

 A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service
10/11/85

Time
H

pm

Signature of U.S. Marshal or Deputy
U.S. Marshal

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
67.50	-	-	67.50			

REMARKS:

Retired, no longer there

NOTE

UNITED STATES DISTRICT COURT

District of MassachusettsRichard D. Glawson,
Plaintiff,

V.

Robert Keaton, et al.,
Defendants**SUMMONS IN A CIVIL CASE**

CASE NUMBER: C.A. No. 04-12199-MLW

TO: (Name and address of Defendant)

P. Casey
45 Shawmut Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
20 Administration Road
Bridgewater, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Sarah A. Thornton

CLERK

By DEPUTY CLERK

9/29/05

DATE

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	<i>Richard Glawson</i>			COURT CASE NUMBER 1014-LV-12181 MLW										
DEFENDANT	<i>William R. Keith Ex-Officer of Postal Civil Service</i>			TYPE OF PROCESS										
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN													
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>95 24th Street Ave, Castle, NJ 07047-286</i>													
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			<table border="1"> <tr> <td><input checked="" type="checkbox"/> <i>Richard Glawson</i> cc: <i>John R. Johnson</i> <i>Consignee, 101A. 0286</i></td> <td>Number of process to be served with this Form - 285</td> <td>1</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Number of parties to be served in this case</td> <td>4</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Check for service on U.S.A.</td> <td>3</td> </tr> </table>			<input checked="" type="checkbox"/> <i>Richard Glawson</i> cc: <i>John R. Johnson</i> <i>Consignee, 101A. 0286</i>	Number of process to be served with this Form - 285	1	<input type="checkbox"/>	Number of parties to be served in this case	4	<input type="checkbox"/>	Check for service on U.S.A.	3
<input checked="" type="checkbox"/> <i>Richard Glawson</i> cc: <i>John R. Johnson</i> <i>Consignee, 101A. 0286</i>	Number of process to be served with this Form - 285	1												
<input type="checkbox"/>	Number of parties to be served in this case	4												
<input type="checkbox"/>	Check for service on U.S.A.	3												
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service): <i>Need to be served as soon as possible</i>														
Signature of Attorney or other Originator requesting service on behalf of: <i>Richard Glawson</i>			<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE 10/1/08									
<input checked="" type="checkbox"/> PLAINTIFF														
<input type="checkbox"/> DEFENDANT														
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE														
I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)		Total Process	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>James J. Glawson</i>									
Date <i>10/1/08</i>														
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.														
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)														
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.										
Address (complete only if different than shown above)				Date of Service <i>10/1/08</i>	Time <i>pm</i>									
				Signature of U.S. Marshal or Deputy <i>James J. Glawson</i>										
Service Fee <i>10.50</i>	Total Mileage Charges (including endeavors) <i>12.41</i>	Forwarding Fee	Total Charges <i>79.91</i>	Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund									

REMARKS:

NOTE

UNITED STATES DISTRICT COURT

District of

Massachusetts

Richard D. Glawson,
Plaintiff,

V.

Robert Keaton, et al.,
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: C.A. No. 04-12199-MLW

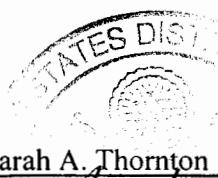
TO: (Name and address of Defendant)

William R. Keaton
45 Shawmut Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
20 Administration Road
Braintree, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



Sarah A. Thornton
CLERK

(By) DEPUTY CLERK



DATE

9/29/05

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	Richard J. Dawson			COURT CASE NUMBER		
DEFENDANT	Robert Keaton Jr. Attorney General			10-4-CV-14197		
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN					
AT	45 Stewart Ave, Carter, MA 02637-376					
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			Number of process to be served with this Form - 285		1	
<input checked="" type="checkbox"/> Richard Dawson no Attorney General Boston, MA, 02637-376			Number of parties to be served in this case		4	
			Check for service on U.S.A.			
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service): Work Address) Norfolk County Attorney general						
Signature of Attorney or other Originator requesting service on behalf of: <i>Richard Dawson</i>			<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE	
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE						
I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)		Total Process	District of Origin No. 38	District to Serve No. 38	Signature of Authorized USMS Deputy or Clerk <i>Marley Johnson</i>	Date 10/31/05
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.						
<input checked="" type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)						
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.		
Address (complete only if different than shown above)				Date of Service 10/31/05	Time 4 pm	
Signature of U.S. Marshal or Deputy <i>Marley Johnson</i>						
Service Fee 67.50	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges 107.50	Advance Deposits	Amount owed to U.S. Marshal or	
					Amount of Refund	

REMARKS:

NOTE

UNITED STATES DISTRICT COURT

District of

Massachusetts

Richard D. Glawson,
Plaintiff,

V.

Robert Keaton, et al.,
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: C.A. No. 04-12199-MLW

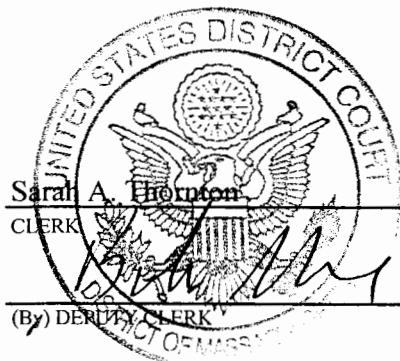
TO: (Name and address of Defendant)

Robert Keaton
45 Shawmut Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
20 Administration Road
Braintree, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



Sarah A. Thornton

CLERK

9/29/05

DATE

(By) DEPUTY CLERK

DISTRICT OF MASSACHUSETTS